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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/828,941	04/21/2004	Cezary Marcjan	MS305632.01/MSFTP627US	7204
27195 7590 11/30/2007 AMIN, TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			EXAMINER WON, MICHAEL YOUNG	
			ART UNIT 2155	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary

Application No.

10/828,941

Applicant(s)

MARCJAN, CEZARY

Examiner

Michael Y. Won

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/2/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the Preliminary Amendment filed March 1, 2005.
2. Claims 31 have been amended and claims 1-35 have been examined and are pending with this action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 9-29 and 32-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsumoto et al. (US 6,678,720).

INDEPENDENT:

As per **claim 1**, Matsumoto teaches a system that facilitates sharing content between at least any two computers comprising:

an authentication component that verifies a user's identity based in part on user-based input to determine whether the user has access rights to the content (see col.4, lines 30-39 and col.8, lines 43-64: "Authentication module 13 compares the

authentication information sent from access device 2 with the authentication information in authentication database 12"); and

an analysis component that identifies and determines whether any communication channels are available to share the content between the at least two computers based at least in part on one or more characteristics of the content (see col.3, lines 57-59: "target switching means receives from the first information terminal via the communications function the designation of the virtual space or one of the chat devices"; col.4, lines 56-67: "designation of a channel").

As per **claim 10**, Matsumoto teaches a system that facilitates file sharing comprising:

a content analysis component that analyzes at least a portion of content for which sharing is desired (see col.3, lines 57-59: "receives from the first information terminal via the communications function the designation of the virtual space of one of the chat devices");

a channel analysis component that examines compatibility of available communication channels with respect to the content for which sharing is desired (see col.4, lines 49-53: "The conversion means, when the target switching means has received a virtual space designation, acquires from the message storage means the message history of the designated virtual space and converts it to a format suited to the first information terminal"); and

Art Unit: 2155

a channel controller component that selects at least one communication channel that is determined to be available to transport the content based at least in part upon analysis of the content (see col.4, lines 7-8: "The destination is selected from a channel"; and lines 56-67: "designation of a channel").

As per **claim 24**, Matsumoto teaches a content-sharing and transport method comprising:

receiving user-based input in request to access content designated for sharing (see col.3, lines 3-8: "The user notified of the URL can access the message using the ordinary method"); and

determining at least one communication channel to employ to facilitate sharing with or transporting the content from the virtual share space to another computer based at least in part on availability and at least one of content type, content size, and content security (see col.4, lines 35-39: "authentication means can prevent leakage of messages form exchanges between designated users from being leaked to a third party").

As per **claim 33**, Matsumoto teaches a content-sharing system comprising:

means for receiving user-based input in request to access content designated for sharing (see col.3, lines 3-8: "The user notified of the URL can access the message using the ordinary method"); and

Art Unit: 2155

means for determining at least one communication channel to employ to facilitate sharing with or transporting the content from the virtual share space to another computer based at least in part on availability and at least one of content type, content size, and content security (see col.4, lines 35-39: "authentication means can prevent leakage of messages form exchanges between designated users from being leaked to a third party").

As per **claim 34**, Matsumoto teaches a data packet adapted to be transmitted between two or more computer processes facilitating easier sharing of content, the data packet comprising:

information associated with automatically determining at least one communication channel to employ to share or transport content between two or more computers (see col.3, lines 57-59: "target switching means receives from the first information terminal via the communications function the designation of the virtual space or one of the chat devices"; col.4, lines 56-67: "designation of a channel"), the determination being based at least in part upon content type, content size, content security, and channel availability (see col.4, lines 35-39: "authentication means can prevent leakage of messages form exchanges between designated users from being leaked to a third party").

DEPENDENT:

As per **claim 2**, which depends on claim 1, Matsumoto teaches further comprising a virtual share space that stores content to be shared with one or more other computers (see col.1, lines 7-10 & 21-23).

As per **claim 3**, which depends on claim 2, Matsumoto further teaches wherein the virtual share space is accessed by at least one of at least one communication channel or a unique key (see col.1, lines 7-10 & 21-23 and col.9, lines 29-35).

As per **claim 4**, which depends on claim 1, Matsumoto further teaches wherein the communication channels comprise email (see col.4, lines 21-23), Internet (see col.2, lines 54-55), server, proxy server (see col.2, lines 60-63), and direct access (see col.7, 47-54).

As per **claim 9**, which depends on claim 1, Matsumoto further teaches wherein the one or more characteristics of the content comprise content type, size of content, and security of content (see col.4, lines 30-39).

As per **claim 11**, which depends on claim 10, Matsumoto teaches further comprising an authentication component that authenticates input to facilitate determining that a user has requisite access rights to gain access to the content at least in part by matching user-based input to one or more listings comprising users who are pre-approved for access as indicated by at least one of their username, password email address, network name, and computer name (see col.4, lines 30-39 and col.8, lines 27-64).

As per **claim 12**, which depends on claim 11, Matsumoto further teaches wherein the authentication component further resolves multiple personas, usernames,

Art Unit: 2155

nicknames, and/or aliases for any one user to identify the user correctly (see col.4, lines 30-39 and col.8, lines 27-64).

As per **claim 13**, which depends on claim 10, Matsumoto further teaches wherein the content is located in one or more virtual share spaces (see claim 2 rejection above).

As per **claim 14**, which depends on claim 10, Matsumoto further teaches wherein the content analysis component examines at least one of file type, file size, and file security to facilitate determining which communication channel to employ to share the content (see claim 9 rejection above).

As per **claim 15**, which depends on claim 10, Matsumoto further teaches wherein the channel analysis component examines the one or more communication channels to determine whether they are available (see col.3, lines 57-59 and col.4, lines 56-67) and whether they satisfy at least one of a security threshold and a content size threshold (see col.4, lines 30-39 and col.8, lines 27-64).

As per **claim 16**, which depends on claim 15, Matsumoto further teaches wherein one or more communication channels are deemed unavailable if they fail to satisfy at least one of the security threshold and the content size threshold (see col.4, lines 30-39 and col.8, lines 27-64).

As per **claim 17**, which depends on claim 10, Matsumoto further teaches wherein the channel controller further controls a plurality of communication channels (see col.13, lines 49-53).

As per **claim 18**, which depends on claim 10, Matsumoto further teaches wherein the first computer originates the content to be shared and on at least a second computer desires access to such content (see col.3, lines 30-44).

As per **claim 19**, which depends on claim 18, Matsumoto further teaches wherein the first computer is located at a first location and the second computer is located at a second location such that they correspond to one user (see col.4, lines 13-23).

As per **claim 20**, which depends on claim 18, Matsumoto further teaches wherein the first computer corresponds to a first user and the second computer corresponds to a second user, the first user being different from the second user (see col.1, lines 18-26).

As per **claim 21**, which depends on claim 10, Matsumoto further teaches wherein access to at least a first portion of the content is granted to at least a first computer, such that the first computer only is permitted to see the portion of the content to which access is granted (see col.4, lines 30-39 and col.8, lines 27-64).

As per **claim 22**, which depends on claim 10, Matsumoto teaches further comprising a component that communicates with an unknown computer to determine available communication channels and access rights of the computer at least in part by extracting information therefrom using an, open communication channel to detect user information (see col.4, lines 30-39 and col.8, lines 27-64).

As per **claim 23**, which depends on claim 22, Matsumoto further teaches wherein the open communication channel is an email channel (see col.4, lines 21-23).

As per **claim 25**, which depends on claim 24, Matsumoto teaches further comprising: creating one or more virtual share spaces to maintain content for sharing

Art Unit: 2155

with other computers (see claim 2 rejection above), and approving access rights to one or more users for access to at least one virtual share space and storing them alongside the respective content (see col.4, lines 30-39 and col.8, lines 27-64).

As per **claim 26**, which depends on claim 24, Matsumoto teaches further comprising assigning a unique key to the one or more virtual share spaces to facilitate permitting anytime access to at least a portion of the content in the virtual share space (see col.9, lines 29-35).

As per **claim 27**, which depends on claim 24, Matsumoto teaches further comprising authenticating the user-based input to confirm user identity and/or user access rights to the content (see col.4, lines 30-39 and col.8, lines 27-64).

As per **claim 28**, which depends on claim 24, Matsumoto further teaches wherein the communication channel is any one of email, server, interact, direct access to the content, and/or proxy server (see claim 4 rejection above).

As per **claim 29**, which depends on claim 28, Matsumoto further teaches providing a module in connection with the email communication channel to facilitate sharing content via email (see claim 23 rejection above).

As per **claim 32**, which depends on claim 28, Matsumoto further teaches wherein the availability of the email channel depends in part on email service associated therewith (see claim 23 rejection above).

As per **claim 35**, Matsumoto further teaches a computer readable medium having stored thereon the system of claim 1 (see col.5, lines 39-45).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-8, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. (US 6,678,720) in view of Marker Jr. (US 4,802,220).

As per **claim 5**, which depends on claim 4, Matsumoto does not explicitly teach wherein one or more of the communication channels comprises a module installed on a sender and a recipient's communication system that divides a large file into two or more smaller chunks, whereby each chunk is sent separately to the receiver.

Marker, Jr. teaches wherein one or more of the communication channels comprises a module installed on a sender and a recipient's communication system that divides a large file into two or more smaller chunks, whereby each chunk is sent separately to the receiver (col.2, lines 34-46).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Matsumoto in view of Marker, Jr. so that one or more of the communication channels comprises a module installed on a sender and a recipient's communication system that divides a large file into two or more smaller chunks, whereby each chunk is sent separately to the receiver. One would be motivated to do so because Marker, Jr. teaches that such implementation avoids all the

information in the original signal within a single channel from being recorded and exhaustively analyzed by unauthorized listeners (see col.1, lines 48-66).

As per **claim 6**, which depends on claim 5, Matsumoto does not explicitly teach wherein the two or more chunks are identified with special keys in subject line or email headers.

Marker, Jr. teaches wherein the two or more chunks are identified with special keys in subject line or email headers (see col.20, line 59-col.21, line 16).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Matsumoto in view of Marker, Jr. so that the two or more chunks are identified with special keys in subject line or email headers. One would be motivated to do so because such implementation allows the received chunks to be combined to its original message for rendering by the recipient.

As per **claim 7**, which depends on claim 5, Matsumoto does not explicitly teach wherein the two or more chunks are encrypted in part by the module on the sender's communication system and decrypted in part by module on the recipient's communication system.

Marker, Jr. teaches wherein the two or more chunks are encrypted in part by the module on the sender's communication system and decrypted in part by module on the recipient's communication system (see col.3, lines 2-6 and col.12, lines 17-24).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Matsumoto in view of Marker, Jr. so that the two or more chunks are encrypted in part by the module on the sender's

Art Unit: 2155

communication system and decrypted in part by module on the recipient's communication system. One would be motivated to do so because Marker, Jr. further teaches that this is an added level of security.

As per **claim 8**, which depends on claim 5, Matsumoto does not explicitly teach wherein the receiver acknowledges receipt of each chunk before a subsequent chunk is sent.

Marker, Jr. teaches wherein the receiver acknowledges receipt of each chunk before a subsequent chunk is sent (see col.9, lines 61-65).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Matsumoto in view of Marker, Jr. so that the receiver acknowledges receipt of each chunk before a subsequent chunk is sent. One would be motivated to do so because one of ordinary skill in the art knows that acknowledgement is a means of preventing the sender from sending another packet and thereby utilizing unnecessary bandwidth.

As per **claim 30**, which depends on claim 29, Matsumoto and Marker, Jr. teach further comprising:

- dividing a large file into two or more smaller chunks;
- sending each chunk separately to the receiver; and
- acknowledging to the sender receipt of each chunk before a subsequent chunk is sent by the sender; and assembling the two or more chunks to create a copy of the content (see claim 5, claim 6 and claim 8 rejections above).

As per **claim 31**, which depends on claim 30, Matsumoto and Marker, Jr. teach further comprising encrypting the two or more chunks before sending to the receiver and decrypting before or during the assembling of the chunks (see claim 7 rejection above).

Conclusion

5. For the reasons above, claims 1-35 have been rejected and remain pending.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Won/

Primary Examiner

November 15, 2007